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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,435	12/14/2001	Mark Phillips	2222.0820003	6756
26111 7590 03/08/2010 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER WOZNIAK, JAMES S				
ART UNIT		PAPER NUMBER		
2626				
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03/08/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/017,435

Applicant(s)

PHILLIPS ET AL.

Examiner

JAMES S. WOZNIAK

Art Unit

2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-24 and 36-45
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(a).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet

/James S. Wozniak/
Primary Examiner, Art Unit 2626

Continuation of 5. Applicant's reply has overcome the following rejection(s): The amendment of claim 44 to include a processing means that processes program modules stored in memory refers only to hardware-based computer processors in the specification (Pages 5-6) and eliminates the possibility of a software only embodiment from the scope of claim 44. As such, the previous corresponding 35 U.S.C. 101 rejection has been withdrawn. As claim 38 has been amended to recite that a component is realized as a computing device executing the component stored in a memory storage device, the amendment directs the claim towards statutory subject matter. As claims 37-38 and 43 have been amended to delete the unsupported "tangible computer-readable medium" and replace it with the supported "memory storage device", the previous associated 35 U.S.C. 112, first paragraph rejection has been withdrawn.

Continuation of 11. does NOT place the application in condition for allowance because: The applicants begin by reiterating previous arguments from the 7/29/2009 response and then provide additional arguments that Kredon et al (US 6,182,045) does not teach that the ability to administer and edit audio files in Kredon is the same as access by a voice application in a development or deployment environment and further allege that it is not necessarily the same voice application that accesses the repository taught by Kredon (Amendment, Page 16). In response, the examiner notes that (as was discussed in the interview), Marx teaches a number of generic prompts (see prior OA, page 9). Included among these assets are prompts. Kredon overcomes the deficiencies by teaching the concepts that voice application assets (such as a prompt) may be accessed from a central repository (Fig. 1, Elements 12, 18, 20, 22; Col. 2, Lines 50-61; and Col. 3, Lines 8-32). Kredon specifically notes that the audio prompt files from the central repository are accessible by a developer (Col. 3, Lines 8-32) and can be fetched "from the audio server 20 in real time as needed" (Col. 3, Lines 33-58). Thus, Kredon does overcome the deficiencies in Marx by teaching the access of voice application components by a voice application at run time and by a developer. Thus, this argument has been fully considered, but is not convincing. The remainder of the applicants' arguments (Pages 16-18) is similar to those from the prior response (Pages 15-17). Please see the prior Office Action from 12/7/2009 (Pages 3-5) where these arguments were addressed in greater detail. Accordingly, the prior position of record has been maintained.

Continuation of 13. Other: In response to the amendment of claims 1, 37, 38, 39, 40, 43, and 44, which removes the objected to "configured to" claim language and the amendment to claims 37-39 to correct the antecedent basis issues and typographical errors (Amendment, Page 13), the examiner notes that the previous objections directed towards minor informalities have been overcome.